

# Senate Amendment 5106

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1 1 Amend Senate File 2132 as follows:  
1 2 ~~#1.~~ Page 1, by striking lines 1 through 25 and  
1 3 inserting the following:  
1 4 <Section 1. Section 809.5, subsection 1, Code  
1 5 Supplement 2007, is amended to read as follows:  
1 6 1. Seized property which is no longer required as  
1 7 evidence or for use in an investigation shall be  
1 8 returned to the owner, provided that the person's  
1 9 possession of the property is not prohibited by law  
1 10 and there is no forfeiture claim filed on behalf of  
1 11 the state.  
1 12 a. ~~The If the value of the property is greater~~  
1 13 ~~than five hundred dollars, the seizing agency shall~~  
1 14 ~~send serve notice by personal service or by sending~~  
1 15 ~~the notice by restricted certified mail, return~~  
1 16 ~~receipt requested, to the last known address of any~~  
1 17 ~~person having an ownership or possessory right in the~~  
1 18 ~~property stating that the property must be claimed~~  
1 19 ~~within thirty days from the date of receipt of the~~  
1 20 ~~notice. Refusal of restricted certified mail, return~~  
1 21 ~~receipt requested, shall be construed as receipt of~~  
1 22 ~~the notice. Such notice shall state that if no~~  
1 23 ~~written claim for the property is filed with the~~  
1 24 ~~seizing agency within thirty days from the date of~~  
1 25 ~~receipt of the notice, the property shall be deemed~~  
1 26 ~~abandoned and disposed of accordingly.~~  
1 27 b. ~~If the value of the property is equal to or~~  
1 28 ~~less than five hundred dollars, the seizing agency~~  
1 29 ~~shall serve notice by personal service or by sending~~  
1 30 ~~the notice by regular mail to the last known address~~  
1 31 ~~of any person having an ownership or possessory right~~  
1 32 ~~in the property.~~  
1 33 c. ~~A person having an ownership or possessory~~  
1 34 ~~right in the property must file a written claim for~~  
1 35 ~~the property with the seizing agency within thirty~~  
1 36 ~~days from the date of receipt of the notice and must~~  
1 37 ~~take possession of the property within thirty days of~~  
1 38 ~~the expiration of the period of time for filing a~~  
1 39 ~~written claim. If no written claim is filed within~~  
1 40 ~~thirty days from the date of receipt of the notice or~~  
1 41 ~~if a written claim is filed but the claimant does not~~  
1 42 ~~take possession of the property within thirty days of~~  
1 43 ~~the expiration of the period of time for filing the~~  
1 44 ~~written claim, the property shall be deemed abandoned~~  
1 45 ~~and shall be disposed of accordingly.~~  
1 46 d. ~~The notice served or sent pursuant to this~~  
1 47 ~~subsection shall inform the recipient of the filing~~  
1 48 ~~and possession requirements of paragraph "c".~~  
1 49 ~~b. e.~~ The seizing agency shall not release the  
2 1 property to any party until the expiration of the date  
2 2 for filing claims. In the event that there is more  
2 3 than one claim filed for the return of property under  
2 4 this section, at the expiration of the period for  
2 5 filing claims the seizing agency shall file a copy of  
2 6 all such claims with the clerk of court and the clerk  
2 7 shall proceed as if such claims were filed by the  
2 8 parties under section 809.3. ~~In the event that no~~  
2 9 ~~owner can be located or no claim is filed under this~~  
2 10 ~~section for property having a value of less than five~~  
2 11 ~~hundred dollars, the property shall be deemed~~  
2 12 ~~abandoned and the seizing agency shall become the~~  
2 13 ~~owner of such property and may dispose of it in any~~  
2 14 ~~reasonable manner.~~  
2 15 e. f. ~~For unclaimed property having a In the~~  
2 16 ~~event that the owner is unable to be located or the~~  
2 17 ~~property is deemed abandoned the following shall~~  
2 18 ~~apply:~~  
2 19 ~~(1) If the value equal to or of the property is~~  
2 20 ~~greater than five hundred dollars, forfeiture~~  
2 21 ~~proceedings shall be initiated pursuant to the~~  
2 22 ~~provisions of chapter 809A. If the court does not~~  
2 23 ~~order the property forfeited to the state in the~~  
2 24 ~~forfeiture proceedings pursuant to chapter 809A, the~~  
seizing agency shall become the owner of the property

2 25 and may dispose of it in any reasonable manner.  
2 26 ~~Unclaimed firearms~~  
2 27 (2) If the value of the property is equal to or  
2 28 less than five hundred dollars, the seizing agency  
2 29 shall become the owner of the property and may dispose  
2 30 of it in any reasonable manner.  
2 31 (3) Firearms and ammunition, if not forfeited  
2 32 pursuant to chapter 809A, shall be disposed of by the  
2 33 department of public safety or the department of  
2 34 natural resources pursuant to section 809.21, if not  
2 35 forfeited pursuant to chapter 809A.>  
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2 38  
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